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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/818,697	03/27/2001	Terng-Yin Hsu	JCLA7157	9939

7590  
J.C. PATENTS  
Suite 250  
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08/02/2005

EXAMINER

PHU, PHUONG M

ART UNIT	PAPER NUMBER
2631	

DATE MAILED: 08/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

09/818,697

Applicant(s)

HSU ET AL.

Examiner

Phuong Phu

Art Unit

2631

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 22 July 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 1-3.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
SEE ATTACHMENT.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_.  
13. ☒ Other: Notice of References cited (PTO-892).

**PHUONG PHU  
PRIMARY EXAMINER**

*Phuong phu 08/01/05*  
Phuong Phu  
Primary Examiner  
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### **ATTACHMENT**

This Attachment is responsive to the Applicant's Argument filed on 7/22/05.

The applicant mainly argues that Nakamura does not disclose limitations as claimed in claims 1 and 3, and in particular, with respect to claim 1, Nakamura does not disclose the limitation "shifting a storage position of a PN sequence according to a storage position of the sample data".

The examiner respectfully disagrees. Note that the rejections to claims 1 and 3 are based on the limitations given in claimed, and the claims are rejected as being unpatentable over Nakamura with reasons set forth in the Final Office Action.

Particularly, with respect to claim 1, see figure 12 and col. 10, lines 9-24, Nakamura discloses a shift register (51) and a correlator (52) wherein the correlator receives and holds an input signal (RECEIVING SIGNAL) in a parallel fashion at an input of respective stage (1, 2, ... or 6) and receives and holds another input signal provided from the shift register (51) in a parallel fashion at the other input of respective stage (1, 2, ... or 6) accordance to the positions of the input signal (RECEIVING SIGNAL) holds, or namely stored, at the former input of respective stage (1, 2, ... or 6) for correlating the input RECEIVING SIGNAL with the input signal provided from the shift register (51), and wherein the input signal provided from the shift register (51) is generated by the shift register (51) in such a way that the shift register (51) receives, in serial, a PN sequence from the PN code signal generator (56) and shifts the stored PN sequence to positions Q1,..., Q6 for providing the another input signal in the parallel fashion at the other input of respective stage (1, 2, ... or 6) of the correlator (52) (see col. 10, lines 21-24). In order to clarify an inherency of the shifting function of the shift register (51) in storing

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and providing the stored PN sequence to positions Q1,..., Q6, the examiner now additionally cited Horowitz et al, The Art of Electronics, published by Cambridge University Press 1980, pages 359-362, which discloses that in a conversion of a serial data to a parallel data, shift registers stores and shifts the serial data to respective output positions to provide the corresponding parallel data. With the above rationale, it can be said that Nakamura discloses that the shift register (51) performs shifting a storage position of the PN sequence according to a storage position of the input signal (RECEIVING SIGNAL) at the input of respective stage (1, 2, ... or 6) of the correlator (52), or in another word, Nakamura teaches the limitation "shifting a storage position of a PN sequence according to a storage position of the sample data".

*Phung Phu 8/1/05*

**PHUNG PHU**  
**PRIMARY EXAMINER**